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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/114,956    07/13/98    GENHEIMER

S    22306

EXAMINER

LM51/0412

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ART UNIT

PAPER NUMBER

2754  
DATE MAILED:

04/12/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

*See attachments*

# Office Action Summary

Application No.  
**09/114,956**

Applicant(s)  
**Genheimer et al**

Examiner  
**William J. Klimowicz**

Group Art Unit  
**2754**



☒ Responsive to communication(s) filed on Feb 12, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 18-24 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 18-24 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 18, 21 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Alt (US 5,422,770).

As per claim 18 and 21, Alt (US 5,422,770) discloses a disc drive including a disc and an actuator assembly comprising a rigid actuator arm which extends (vertical thickness) in a direction substantially parallel supporting a read/write head and a disc snubber affixed to the rigid actuator body comprising a disc snubber arm which extends along a portion of the rigid actuator arm and adjacent an outer non-recording surface of the disc over a desired range of actuator arm motion wherein the read/write head is moved between the inner and outer diameters, the disc snubber limiting deflection of the disc resulting from application of non-operational shock to the disc drive to minimize contact between the disc and the arm.

As per claim 24, Alt (US 5,422,770) discloses a rotatable disc (102); a pivotal actuator supporting a read/write head in a data reading and writing relationship with the disc and limit

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means (410 and/or 124) supported by the actuator for limiting deflection of the disc in response to application of a non-operational shock to the disc drive (100).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19, 20, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alt (US 5,422,770).

See the description of Alt (US 5,422,770) in paragraph 2, supra.

As per claim 19 and 22, Alt (US 5,422,770) does not expressly show the head is operably configured to rest upon the disc at a landing zone at an inner radius of the disc.

Official notice is taken that landing zones provided at inner radii of disks (conventionally known as Contact-Start-Stop disk drives) are notoriously old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the disk drive shock bumper of Alt (US 5,422,770) as being a conventional CSS disk drive, as is known in the art. The rationale is as follows: one of ordinary skill in the art would have been motivated to provide the disk drive shock bumper of Alt (US 5,422,770) as being a conventional CSS disk drive, as is known in the art, in order to prevent contact between

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suspension arms and disc surfaces, as taught by Alt (US 5,422,770), to conventional CSS disk drives having landing zones on disk surfaces.

Although Alt (US 5,422,770) does not expressly show a fastener as set forth in claims 20 and 23, Official notice is taken that fasteners for affixing elements and extending therethrough are notoriously old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the disc snubber of Alt (US 5,422,770) with a fastener that extends therethrough as set forth in claims 20 and 23. The rationale is as follows: one of ordinary skill in the art would have been motivated to provide the disc snubber of Alt (US 5,422,770) with a fastener that extends therethrough as set forth in claims 20 and 23 in order to provide a conventional and easy assembly of an element to another element in a manner well known, established and appreciated in the art.

### ***Response to Arguments***

5. Applicant's arguments filed February 12, 1999 have been fully considered but they are not persuasive.

The Applicant alleges that Alt (US 5,422,770) fails to show a disc snubber “*adjacent* an outer non-recording surface of the disc over a desired range of actuator arm motion wherein the read/write head is moved between the inner and outer diameters.” (Emphasis added)

The Examiner vigorously maintains that Alt (US 5,422,770) does indeed show such a claimed invention. More specifically, Alt (US 5,422,770) shows a disc snubber (124) that is

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clearly and unquestionably “*adjacent*” an outer non-recording surface of the disc over a **desired range** of actuator arm motion wherein the read/write head is moved between the inner and outer diameters.” (Emphasis added). The claim scope of “adjacent” is a relatively broad term and can include limits wherein the snubber is moved even to the inner diameter of the disk, wherein it can be said that the snubber is still “adjacent” the outer non-recording area. Moreover, the desired range is not expressly specified. The range could be a simple dithering movement of the arm across the load ramp.

As per claim 24, the Applicant maintains that since claim 24 is in means-plus-function format, the claim is allowable since it is alleged that Alt (US 5,422,770) does show all the functional limitations, not expressly recited in the claims, but implied therefrom.

The Examiner respectfully, but steadfastly disagrees. More specifically, Alt (US 5,422,770) discloses a rotatable disc (102); a pivotal actuator supporting a read/write head in a data reading and writing relationship with the disc and limit means (24) supported by the actuator for limiting deflection of the disc in response to application of a non-operational shock to the disc drive (100). The Applicant's assertion that the claim somehow also implies that the language “at the outer radius of the disc”, *even* if somehow read into the claims, is still met by Alt (US 5,422,770) as explicitly shown in FIG. 4A. Moreover, it is abundantly clear that the Applicant's remarks are not commensurate with the invention as claimed. Therefore, limitations contained therein cannot be read into the claims for the purpose of avoiding prior art. In re Sporck, 386 F.2d 924, 155 USPQ 687 (CCPA 1968).

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***Conclusion***

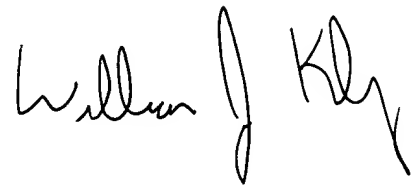
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to William J. Klimowicz whose telephone number is (703) 305-3452 (fax number (703) 308-9051 or (703) 308-9052).

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Any inquiring of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read "William J. Klimowicz". The signature is fluid and cursive, with the first name "William" and last name "Klimowicz" clearly distinguishable.

William J. Klimowicz

Primary Examiner

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WJK

April 9, 1999